IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.19087 of 1997

Between:

1 R.Kannaiah, S/o. Kondaiah.
R/o. Sogalapalli Village, Pendlimarri Mandal,
Cuddapah Dist.
2 R.Subbalaxmamma, W/o. Kannaiah.
R/o. Sogalapalli Village, Pendlimarri Mandal,
Cuddapah Dist.
3 Chowdam Venkatasubbulu, W/o. Gangisetti,
R/o. Sogalapalli Village, Pendlimarri Mandal,
Cuddapah Dist.
4 Barreddula Uttanna, S/o. Narasanna.
R/o. Sogalapalli Village, Pendlimarri Mandal,
Cuddapah Dist.

..... PETITIONERS

AND

1 The Govt. of A.P., Rep.by its Secretary, Industries and Commerce,
Secretariat Buildings, Hyderabad.
2 The Director, Handlooms and Textiles,
Cuddapah.
3 The Asst. Director, Handlooms & Textiles,
Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction calling for the records, relating to proceedings of the 3rd respondent in Rc.No.2880/96, A(64) dated 24/02/1997

issued in respect of the petitioners and set aside the same as arbitrary, illegal, unjust, without jurisdiction, violative of the fundamental rights guaranteed to the petitioners under Articles 14, 19 (1) (g) and 21 of the Constitution of India and violative of principles of natural justice and also contrary to the provisions of the A.P. Coop. Societies Act. 1964.

Counsel for the Petitioners: MR.P.V.RAVI KUMAR

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following:

ORDER:

Challenging the proceedings of the 3rd respondent-Assistant Director, Handlooms and Textiles issued in Rc.NO.2880/96,A(64), dated 24.02.1997 removing the petitioners from the membership of the Sogalapalli Weavers Co-operative Production and Sale Society, Pendlimarri Mandal, Cuddapah District, the present writ petition is filed.

When the matter is taken up today for hearing, it is submitted by the learned counsel for the petitioners and conceded by the learned Government Pleader for Industries and Commerce that the subject matter of this writ petition is squarely covered by a judgment of this Court dated 10.09.1998 in W.P.No.8938 of 1997 and batch, wherein this Court considered similar issue and allowed the same with the following observations:

> "…….. Further, the concerned authority appears to have proceeded on the assumption that owning of a loom is necessary criterion for eligibility for membership of Weavers Co-operative Society. But a reading of Explanation I(ii) of Section 19 of the A.P. Co-operative Societies Act, 1964, in which the term 'Weaver' has been defined, would make it clear that weaver is one who attends to operations of weaving of cloth or fabric or product on the loom whether such operation is carried on in private dwelling house or any other place and is dependant on weaving as profession and income thereof. Thus, owning of a loom is not an essential condition for admission of a weaver as a member. What is required is that he should be dependant on weaving as his profession and source of income and whether he carries on Weaving in a

private dwelling house or any other place ownership of a loom is not necessary. On this ground also, the impugned order which appears to proceed on the assumption that owning of a loom is a condition precedent for a membership of the Society is bad. At any rate, as it has been held that the principles of natural justice have been violated, the impugned orders are set aside. However, it is open to the respondents, if they are so advised, to conduct fresh enquiry after giving adequate opportunities to the petitioners to make their representations, if necessary, by giving an opportunity of personal hearing and adduce evidence.

In the result, the writ petitions are allowed and the impugned orders are set aside. No costs."

In the circumstances, following the above judgment, this writ petition is also allowed for the same and similar reasons. No costs.

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N.V. RAMANA, J.

Date: 15.03.2005

Nsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the Fifteenth day of March, Two Thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Industries and Commerce,
Govt. of A.P., Secretariat Buildings, Hyderabad.
2 The Director, Handlooms and Textiles,
Cuddapah.
3 The Asst. Director, Handlooms & Textiles,
Cuddapah.

4 Two CCs to GP for Industries and Commerce, High Court Buildings,

Hyderabad (OUT)

5 Two CD copies

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